

REMARKS

The Examiner indicated that claims 17, 19, and 21 are allowed. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

Claims 22-25 are still pending but was not acknowledged by the Examiner in the present office action. In a previous office action, the Examiner indicated that claims 22-25 are allowed. Applicants respectfully request the Examiner to indicate the status of claims 22-25.

The Examiner rejected claims 12, 14, 15, 18 and 20 under 35 U.S.C. §102(b) as allegedly being anticipated by Bryant et al., US patent No. 6,159,807.

The Examiner rejected claims 13 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bryant.

Applicants respectfully traverse the §102(b) and §103(a) rejections with the following arguments.

**35 U.S.C. §102(b)**

The Examiner rejected claims 12, 14, 15, 18 and 20 under 35 U.S.C. §102(b) as allegedly being anticipated by Bryant et al., US patent No. 6,159,807.

Applicants respectfully contend that Bryant does not anticipate claim 12, because Bryant does not teach each and every feature of claim 12. For example, claim 12 does not teach the feature: "a top surface of the gate structure and a top surface of the body contact structure being coplanar, a bottom surface of the gate structure and a bottom surface of the body contact structure being coplanar". Applicants note that claim 12 is embodied in FIG. 15b of Applicants' specification.

In relation to claim 12, the Examiner has identified in Bryant: a gate structure 54 and 56, and a body contact structure 16. Applicants respectfully contend that FIG. 3g of Bryant shows that the top surface of the gate structure (i.e., the top surface of the gate conductor 56) is not coplanar with the top surface of the body contact structure 16, in violation of claim 12. In addition, FIG. 3g of Bryant also shows that the bottom surface of the gate structure (i.e., the bottom surface of the gate dielectric 54) is not coplanar with the bottom surface of the body contact structure 16, in violation of claim 12,

Based on the preceding arguments, Applicants respectfully maintain that Bryant does not anticipate claim 12, and that claim 12 is in condition for allowance. Since claims 13-16, 18, and 20 depend from claim 12, Applicants contend that claims 13-16, 18, and 20 are likewise in condition for allowance.

35 U.S.C. §103(a)

The Examiner rejected claims 13 and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Bryant. Since claims 13 and 16 depend from claim 12, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102, Applicants maintain that claims 13 and 16 are not unpatentable under 35 U.S.C. §103(a).

**CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 11/10/2003

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